2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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Working paper submitted by the Islamic Republic of Iran for Main Committee II

Safeguards

1. The IAEA is the competent authority responsible for verifying and assuring in accordance with the statute of the IAEA and IAEA safeguards system, compliance with its safeguards agreements with States Parties undertaken in the fulfilment of their obligations under article III, paragraph 1, of the Treaty with a view to preventing diversion of the nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices. Therefore nothing should be done to undermine the authority of IAEA in this regard.

2. The safeguards system of the IAEA is a fundamental pillar of the nuclear non-proliferation regime. According to article III of the Treaty, each non-nuclear weapon State party to the treaty undertakes to accept safeguards, as set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency for the exclusive purpose of verification of the fulfilment of its obligations assumed under the NPT. The safeguard agreements aim to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

3. The comprehensive safeguards agreements (INFCIRC/153) has been recognized as the primary legal basis of the safeguards by the States Parties to the Treaty ensuring that no diversion of nuclear material has occurred in the nuclear programme of the States. Such safeguards agreements still form the foundation of all safeguards activities of the Agency, and need to be promoted and universalized.

4. It should also be emphasized that comprehensive safeguards agreements based on the document INFCIRC/153 have been successful in their main focus of providing assurance regarding declared nuclear material and have also provided some assurances regarding the absence of undeclared nuclear material and activities.

5. Following major efforts by the IAEA Board of Governors, negotiations led to the adoption of the Additional Protocol which goes very extensively beyond the traditional safeguard agreement through establishment of an intrusive verification mechanism.

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6. In the meantime, the Additional Protocol may not achieve its objectives if all nuclear-weapon States Parties and States not party to the Treaty continue to refrain from adhering to it.

7. The Agency's activities in accordance with its statute focuses on three pillars which include enlarging peaceful applications of nuclear energy, verification of nuclear materials and activities, and enhancing the safety and security of nuclear material and facilities, which may be summarized into two dimensions of promotional and regulatory activities.

8. It should be noted that preservation of the balance between the promotional and regulatory activities is the best guarantee for integrity and credibility of the Agency. Equal political and financial support should be rendered to all the three pillars and strengthening one pillar should not be at the cost of any other. It is a source of deep concern that attempts are exercised by some to use the IAEA's technical cooperation as a tool for political purposes in violation of the IAEA's statute.

9. The IAEA, under its statutory obligations, pursues the goals of technical cooperation in peaceful applications of nuclear energy as one of the three pillars of its activities. In order to meet the objectives of technical cooperation for peaceful purposes as enshrined in the Statute of the IAEA and in the NPT, sufficient resources together with full political support should be provided in order to ensure that the technical cooperation programme remains firm, sustainable and predictable.

10. As understood from the provision of this legal instrument, fulfilment of the obligation to accept safeguards may not be looked at in isolation from article IV. Article III reaffirmation that "*the safeguards shall be implemented in a manner designed to comply with Article IV of this Treaty, and to avoid hampering the economic or technological development of the Parties or international co-operation in the field of peaceful nuclear activities, including the international exchange of nuclear material and equipment for the processing, use or production of nuclear material for peaceful purposes in accordance with the provisions of this Article and the principle of safeguarding set forth in the Preamble of the Treaty*", is in fact an assurance for the implementation of article IV.

11. In spite of decisions of the previous NPT review conferences, non-nuclear weapon-States Parties to the Treaty are facing threats of attacks from certain nuclear weapon States and non-parties to the Treaty. The threat is so serious that a nuclear weapon State in its nuclear posture review explicitly names non-nuclear weapon States Parties to the Treaty as the target of its deployed nuclear weapons.

12. Principle 20 of the 1995 Decision on Principles and Objectives confirms that: "*Attacks or threats of attack on nuclear facilities devoted to peaceful purposes jeopardize nuclear safety and raise serious concerns regarding the application of international law on the use of force in such cases, which could warrant appropriate action in accordance with the provisions of the Charter of the United Nations.*" Any such attacks would have severe humanitarian, environmental, political and economic consequences and put under question the credibility of the NPT.

13. The issue of inviolability of the safeguarded nuclear facilities should be seriously dealt with. States Parties to the NPT should undertake not to take or assist, or encourage any action aimed at an armed attack by conventional or other means against nuclear facilities under full scope safeguards of the IAEA.

Avoiding Unilateral Criteria setting and Double Standard

14. Unilateral criteria setting and imposition of double standards both in the field of safeguards and technical cooperation are detrimental to the credibility of the IAEA verification and promotional activities. The role of the IAEA safeguards system in providing credible assurances in the peaceful nature of the nuclear activities of States Parties should be recognized and supported as the only criteria in verification of compliance with article II obligations. Wishful judgement on others' compliance, while being in a questionable standing with one's own obligations, would be a disservice to the non-proliferation cause.

15. National export controls should not in any manner hamper or restrict the transfer and exchange of materials, equipment and technology for peaceful purposes between States Parties to the Treaty. Non-transparent and discriminatory export control regimes lead to new division between States Parties to the Treaty and can only provoke suspicion and mistrust. Therefore any supplier arrangement should be transparently promoted through a framework of dialogue and cooperation among all interested States Parties to the Treaty.

16. New concepts are introduced which go beyond the essential foundations of the Treaty. The idea of "counter-proliferation" as something differing from the Treaty term of "non-proliferation" has been introduced in circumstances that the Treaty itself provides very clear basis and mechanism for verification of compliance with the treaty and collective action to confront the threats and deal with cases of proliferation.

17. No rule of the international law authorizes any State Party to a treaty to claim a superior enforcing role. Nor do internationally recognized rules of navigation in high seas permit any State to cut through free navigation in high seas under unwarranted claims of counter-proliferation. Therefore any effort to give the slightest recognition of any new special status to any State Party or go along with new divisions among the States Parties to the NPT can not be accepted.

Nuclear Weapon Free Zones

18. The establishment of nuclear weapons free zones as reaffirmed in SSOD-I constitute an important disarmament measure. The establishment of such zones enhances regional and global peace and security, and strengthens the non-proliferation regime as well. The establishment of NWFZ in Latin America, South Pacific, Africa, South-East Asia and Central Asia are all effective initiatives towards the attainment of a world entirely free from nuclear weapons.

19. The establishment of a nuclear weapon free zone in the Middle East has been the long-standing goal of the people of the region. The establishment of such a zone in the Middle East will strengthen the security and stability in the region.

20. The resolution on the Middle East, as reaffirmed in the Final Document of the 2000 NPT Review Conference, is an essential element of the package of agreements in the 1995 NPT Review and Extension Conference and of the basis on which the Treaty on the Non-Proliferation of Nuclear Weapons was indefinitely extended without vote in 1995.

21. The 2000 Review Conference called upon all States in the Middle East that had not yet done so, without exception, to accede to the Treaty as soon as possible

and to place their nuclear facilities under full scope IAEA safeguards. The Conference also emphasized the importance of Israel's accession to the Non-Proliferation Treaty and placement of all its nuclear facilities under comprehensive IAEA safeguards.

22. However, despite repeated calls by the international community, Israel has neither acceded to the Treaty nor has it placed its unwarranted nuclear facilities under full scope safeguards. Israel has not even declared any intention to accede to the Treaty.

23. Moreover the unsafeguarded facilities of Israel constitute a real threat to the security of the Middle East countries. The 2000 Review Conference recalling the obligation of all States Parties under articles I, II and III of the Treaty, called upon all States Parties not to cooperate or give assistance in the nuclear or nuclear-related field to States not party to the Treaty in a manner which assists them in manufacturing nuclear weapons or any other nuclear explosive devices.

24. An agreed plan of action for the universality of the Treaty on the Non-Proliferation of Nuclear Weapons, especially in the Middle East, should be on the agenda of all States Parties to the Treaty, in particular nuclear-weapon States. There should be greater pressure on Israel to accede to the Treaty promptly and without condition, and to place all its nuclear facilities under the IAEA full scope safeguards.